

Assigned for all purposes to: Michael Antonovich Antelope Valley Courthouse, Judicial Officer: Wendy Chang

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 File No. 11793

Attorneys for Plaintiff, CHARLENE BAKER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 LOS ANGELES COUNTY - NORTH DISTRICT - CIVIL UNLIMITED

CHARLENE BAKER,

Plaintiff;

vs.

WALMART SUPERCENTER, a business
 entity form unknown; WALMART INC.;
 and DOES 1-100, inclusive,

Defendants.

CASE NO. 21AVCV00956
 [CIVIL UNLIMITED]

COMPLAINT FOR DAMAGES

FSC: 01/18/2023
 TRIAL: 01/27/2023
 OSC: 11/22/2024

Plaintiff, CHARLENE BAKER, alleges:

- 1) That at all times herein mentioned, Plaintiff was and now is a resident of the County of Los Angeles, State of California. That Plaintiff is informed and believes and upon such information and belief alleges that at all times herein mentioned Defendants, and each of them were, and now are residents and/or doing business in the County of Los Angeles, State of California.
- 2) That the true names or capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as DOES 1 through 100, inclusive, are unknown to Plaintiff who therefore sue said Defendants by such fictitious names and capacities and Plaintiff will amend this Complaint to state such true names and capacities when the same have

1 been ascertained. Plaintiff is informed and believes and upon such information and belief
2 alleges, that each of the Defendants designated herein as DOE, is legally responsible in
3 some manner for the events and happenings herein referred to, and legally caused injury
4 and damages to Plaintiff as hereinafter set forth.

5 3) That Plaintiff is informed and believes and upon such information and belief alleges, that
6 at all times herein mentioned Defendants, and each of them, were the agents and
7 employees of their Co-Defendants, and in doing the things herein mentioned were acting
8 in the course and scope of their authority as such agents and employees and with the
9 permission and consent of their Co-Defendants and each of them.

10 4) That Plaintiff is informed and believes and upon such information and belief alleges, that
11 at all times herein mentioned, Defendant, WALMART SUPERCENTER, was and now is
12 a corporation, limited partnership or a partnership, duly organized and existing under, and
13 by virtue of the laws of the State of California and is doing business in the state of
14 California, with its principal place of business located at 37140 47th Street East, in the
15 City of Palmdale, County of Los Angeles, State of California.

16 5) That Plaintiff is informed and believes and upon such information and belief alleges, that
17 at all times herein mentioned, Defendant, WALMART INC., was and now is a
18 corporation, limited partnership or a partnership, duly organized and existing under, and
19 by virtue of the laws of the State of California and is doing business in the state of
20 California, with its principal place of business located at 702 SW 8th Street, in the City of
21 Bentonville, County of Benton, State of Arizona.

22 6) That on or about May 30, 2020, Defendants, and each of them constructed, owned,
23 possessed, worked upon, managed, supervised, modified, repaired, operated, maintained,
24 managed, or controlled a certain premises located at or near 37140 47th Street East, in the
25 City of Palmdale, County of Los Angeles, State of California.

26 7) That at said time and place, Plaintiff was on the premises of Defendants, and each of
27 them, and while thereon and as a direct and proximate result of the negligence of
28 Defendants, and each of them, sustained injuries and damages as hereinafter set forth.

8) That Defendants, and each of them, were negligent in the manner in which they designed, constructed, owned, possessed, modified, repaired, operated, maintained, worked upon, controlled, managed, or supervised said premises by constructing, creating, and allowing the dangerous condition to exist and remain upon said premises, and Defendants, and each of them, were further negligent in failing to inspect, warn of, remove, correct and otherwise take precautions so as to prevent injuries to persons on said premises.

9) That Defendant's and each of them violated and breached all relevant and applicable ordinances, codes, statutes, and laws that were enacted for the purpose of protecting Plaintiff herein, and the class of people of which Plaintiff herein is a member.

10) As a direct and proximate result of the negligence of Defendants, and each of them, Plaintiff was injured in her health, strength and activity, sustaining bodily injury and shock to her nervous systems, which has caused, and will cause, great mental and physical pain and suffering, all to Plaintiff's general damages in a sum within the jurisdiction of this Court according to proof at the time of trial.

11) As a direct and proximate result of the negligence of Defendants, and each of them, Plaintiff has incurred, and will incur medical and related expenses in a sum according to proof at the time of trial.

12) At the time of said injury, Plaintiff was employed or employable and as a direct and proximate result of the negligence of Defendants, and each of them, and by reason of the injuries suffered by Plaintiff, Plaintiff has sustained a loss of earnings and earning capacity in a sum according to proof at the time of trial.

PRAYER OF RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- 1) For general damages in a sum according to proof at the time of trial within the jurisdiction of the Superior Court;
- 2) For medical and related expenses in a sum according to proof at the time of trial;
- 3) For loss of income and earning capacity in a sum according to proof at the time of


trial;

- 4) For pre-judgment interest at the legal rate;
- 5) For costs of suit incurred herein; and.
- 6) For such other and further relief as the Court may deem just and proper.

DATED: November 22, 2021

LAW OFFICES OF GERALD L. MARCUS

By:


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T. VINCENT CONSOLO, ESQ.
Attorneys for Plaintiff.
CHARLENE BAKER